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REV. THOMAS HOOKER'S LETTER,

IN REPLY TO GOVERNOR WINTHROP.

[THE original of the following letter is preserved in the Massachusetts archives, in the Secretary's office at Boston. Its history may be traced in few words. The first movement toward a permanent confederation of the colonies appears to have been made, while Mr. Hooker, and his colleague Mr. Stone, were attending the synod at Newtown, in the summer of 1637. (Winth. Journal, I. 237.) At this time, or at a subsequent informal meeting, articles drawn by some of the Massachusetts council, probably by Governor Winthrop himself, were propounded by him for consideration; and it was agreed by those present that the plan of union should be referred to the supreme authority in each colony,—in Massachusetts, to "the State;" in Connecticut, to "the magistrates and *people*,"—for approval or amendment. In the summer of 1638, Connecticut having freely exercised her "liberty to explain or except," sent commissioners, with the amended articles, to the general court of Massachusetts. (Winth. Jour., I. 285–6.) The nature of the alterations which had been made, and the grounds of objection to the original plan of union, are stated by Governor Winthrop in his journal, (Vol. I. pp. 284–286,) and by Mr. Hooker, in the following letter. It will be seen that the two accounts differ somewhat as to facts—more widely as to motives; and that Mr. Hooker presents these, as well as other "apparent causes of offence," given by "those of Connecticut," under a very different aspect from that in which they were regarded by his correspondent.

The negotiation was interrupted, in consequence of the claim preferred by Massachusetts, to the jurisdiction of Agawam (Springfield,)—which had been hitherto conceded to belong to Connecticut. A letter upon this subject, from Governor Winthrop, "with advice about some other things," called forth a "very harsh" answer from Mr. Ludlow. "The Governor acquainted the council and magistrates with this letter; and because they had tied our

hands (in a manner) from replying, he wrote a private letter to Mr. Haynes, wherein he lays open their mistakes (as he called them,) and the apparent causes of offence, which they had given us." (Winth. Jour., I. 286.) On the 28th of August, of the same year, he addressed a similar letter to Mr. Hooker, the following abstract of which is preserved in the last article of the published addenda to the journal:—

"In my letter to Mr. Hooker, I complained of three things:—

1. That they told the Narragansetts, that they were not tied to the agreement we made with the Indians; and that they did this, to advance their own reputation with the Indians, and to abase ours; that it was a point of state policy in them not to dissent, while the war was at their doors; for they had need of our help, etc.; that it was done without any pressing occasion; that it was done unseasonably, after their own commissioners had propounded that before the Indians we should in all things appear as one.

2. That they altered the articles of confederation in the most material point, and all because some pre-eminence was therein yielded to the Massachusetts, and being again agreed, (only referred to consent, etc.,) in three months we had no answer from them; that the way which they would have taken, of referring differences to the churches, would occasion infinite trouble and expense, and yet leave the issue to the sword.

I expostulated about the unwarrantableness and unsafeness of referring matter of counsel or judicature to the body of the people, quia the best part is always the least, and of that best part the wiser part is always the lesser. The old law was, choose ye out judges, etc., and thou shalt bring the matter to the judge, etc.

3. That they did still exercise jurisdiction at Agawam, though one of their commissioners disclaimed to intermeddle in our line, and thither we challenged our right, and it was agreed so, and I had wrote to them to desire them to forbear until, etc.; that Mr. Pincheon had small encouragement to be under them; that if his relation were true, I could not see the justice of their proceeding against him, etc.

That the end of my writing to him was, that he might help quench these sparks of contention; that I did open our grievances to him in their most true and reasonable intendment; that though I be strict for our right in public, quia their magistrates are so, yet I am willing to listen to advice, and my aim is the common good."

To this letter Mr. Hooker returned the following reply. It was written in the autumn of 1638, and forwarded to Governor Winthrop by, or through, Mr. Shepard, of Cambridge, (the writer's son-in-law.) The last page or pages of the original, with the date and

signature, are unfortunately lost—a loss much to be regretted, although reference to Governor Winthrop's abstract shows that the argument of the reply is nearly completed, in the eight closely written pages which remain. At the top of the first page, the time of receiving it was noted, in a line now nearly illegible.

"Rec'd this frō Mr. Shepherd xth ab^t the 1: weeke."

Before the arrangement of the Massachusetts archives, this letter had somehow found its way to the files of 1679; and when these were bound in volumes, it was allowed to retain its place under that year. The index, however, notes it as "probably written long before." Its position in the volume (Colonial, I. 196-203,) and the absence of the date and writer's name, account for its having hitherto escaped notice and identification.

J. H. T.]

RIGHT WORSHIPFULL WORTHY SIR:

Though my experience be but little and my observance small, yet it cannot but second that which you say in the entrance of your letter, Satan is not yet weary of compassing the earth to and fro: and he that is made up of malice and hatred cannot but show himself an enemy to the God of love, and the work of brotherly love, wherein lies the life of all duties to God and man; and hence it is he turns himself unto all shapes, to do mischief this way: sometime he useth the lion's paw, sometime he puts on the fox's skin, as the proverb is: sometime he useth violent opposition, sometimes running circumvention, that he might either openly or secretly blemish the unity of the spirit, and eat asunder the sinews of society, the bond of peace. I confess my head grows gray and my eyes dim, and yet I am sometime in the watch-tower: and, if the quære be, Watchman, what in the night as the prophet speaks, I shall tell you what I have observed, and shall be bold to leave my complaints in your bosom, of what is beyond question, and then I hope I shall give you a satisfactory return of what you question in your letter.

Before I express my observations, I must profess, by way of preface, that what I shall write are not forged imaginations and suppositions coined out of men's conceits, but that which is reported, cried openly, and carried by sea and land: secondly, my aim is not at any person, nor intend-

ment to enarge any particular, with you; because it is the common trade, that is driven amongst multitudes with you, and with which the heads and hearts of passengers come loaded hither, and that with grief and wonderment. And the conclusion which is aimed at from these reproaches and practices is this, that we are a forlorn people, not worthy to be succored with company, and so neither with support.

I will particularize. If inquiry be, what be the people at Connecticut? the reply is, Alas, poor rash-headed creatures, they rushed themselves into a war with the heathen; and, had not we rescued them, at so many hundred charges, they had been utterly undone. In all which, you know there is not a true sentence: for we did not rush into the war; and the Lord himself did rescue, before friends.

If, after much search made for the settling of people, and nothing suitable found to their desires, but toward Connecticut; if yet then they will needs go from the Bay, go any whither, be any where, choose any place, any patent—Narragansett, Plymouth,—only go not to Connecticut.¹ We hear, and bear.

Immediately after the winter, because there was likelihood multitudes would come over², and lest any should desire to come hither, then there is a lamentable cry raised, that all their cows at Connecticut are dead, and that I had lost mine and only one left, and that was not likely to live, (when I never had but eight, and they never did better than the last winter.) We hear still, and bear.

And lest haply some men should be encouraged to come because of my subsistence or continuance here, then the rumour is noised, that I am weary of my station; or, if I did know whither to go, or my people what way to take, we would never abide: whereas such impudent forgery is scant found in hell; for I profess I know not a member in my congregation but sits down well apayd with his portion, and for myself, I have said what now I write, if I was to choose, I would be where I am.

But notwithstanding all this, the matter is not sure, and there is some fear that some men will come toward Connecticut, when ships come over; either some have related the nature of the place, or some friends invited them; and therefore care must be taken, and is by this generation, as soon as any ship arrives, that persons haste presently to board them, and when no occasion is offered, or question propounded for Connecticut, then their pity to their countrymen is such that they cannot but speak the truth: Alas, do you think to go to Connecticut? Why, do you long to be undone? If you do not, bless yourself from thence; their upland will bear no corn, their meadows nothing but weeds, and the people are almost all starved. Still we hear, and bear.

But may be these sudden expressions will be taken as words of course, and therefore vanish away when once spoken. Let it therefore be provided that the innkeepers entertain their guests with invectives against Connecticut, and those are set on with the salt, and go off with the voyder.³ If any hear, and stay, then they be welcomed; but, if these reports cannot stop a man's proceeding, from making trial, they look at him as a Turk, or as a man scant worthy to live. Still we hear, and bear.

I suppose you are not a stranger only in Israel, nor yet usually ignorant of these things, being they are not done in a corner, but in the open streets, and not by some frantic, forlorn creatures, or madmen, who know not nor care what they say; but, before the ships can come to anchor, whole boats are presently posted out to salute persons, ordinarily, with such relations. The daily expressions of passengers report these, with much grief of spirit, and wonder such wretched falsehoods should be suffered amongst Christians.

That's in New England: but send over a watch a little into Old England; and, go we there to the Exchange, the very like trade is driven by persons which come from you, as

though there was a resolved correspondence held in this particular: as the master and merchant who came this last year to Sea-brook Fort related, even to my amazement, there is a tongue-battle fought upon the Exchange, by all the plots that can be forged to keep passengers from coming, or to hinder any from sending a vessel to Connecticut, as proclaimed an utter impossibility.

Sir, he wants a nostril, that feels not and scents not a schismatical spirit in such a framer of falsifying relations to gratify some persons, and satisfy their own ends.

Do these things argue brotherly love? do these issue from spirits that either pity the necessities of their brethren, or would that the work of God should prosper in their hands? or rather argue the quite contrary. If these be the ways of God, or that the blessing of God do follow them, I never preached God's ways, nor knew what belonged to them.

I suppose these premises will easily let any reasonable man see what the conclusion must be, that men would have to follow. The misery of the men of Connecticut would be marvellous acceptable to such, and therefore there is little expectation they do desire their good, and would procure it, who are not willing any good should come to them, if all the inventions of falsehood can prevail. Worthy sir, these are not jealousies, which we needlessly raise; they are realities, which passengers daily relate, and we hear, and bear: and I leave them in your bosom; only I confess I count it my duty, and I do privately and publicly pray against such wickedness; and the Lord had wont to hear the prayer of the despised.

I shall now address myself to endeavour the satisfaction in the particulars propounded in your letter. You warn of the enemy's subtlety, that he pretends our honour with the heathen, and that equal to, if not beyond the greatest, but indeed intends the ruin of all. I know the enemy wisheth us no weal, yet I would do the devil himself no wrong, though he never did good. For I had hitherto

thought, in my most serious observation, that he pretended and intended the quite contrary. We have constantly and commonly heard his Indian emissaries vent such reproaches as these: that we were water-carriers, tankard-bearers, runagates, whipped out of the Bay; but of such honour, and that equal to the greatest, we know no such thing, we own none, we desire none, we hear none such given, and therefore, if I may judge the devil's pretences by his practices, I cannot but conceive he pretended and intended the contrary.

The things of greatest consequence are three:—

1. That you understand from Mr. Williams, that our magistrates denied to the Naraganset that they were tied to the agreement you made with them.⁴ I suppose our magistrates told Mr. Williams so much. And, to evidence the reason of their proceeding, you may be pleased to take notice of these three things:—

Firstly. That the copy of these articles came so late after the war begun by you (for, to my best remembrance, they came in the winter, by an Indian,) that we had little liberty to consult, nor safety nor certainty to send an answer; nor did we see any such necessity bind us thereunto, being in the preface we were left unto our choice, to take or refuse, as we liked.

Secondly. Upon the first occasion that our magistrates had, when they met Mr. Stoughton, commander of your forces at Pequoyt, they plainly and punctually denied to be tied to that agreement, in some things, according as they had liberty and allowance from yourselves. And this I suppose he either did or should have certified.

Thirdly. That they then gave reasons to him, why they could not so yield, because they saw them apparently prejudicial to their proceeding, and conceived they were so to him then. And therefore believe it, for you will find this to be true, that they pleaded their own privilege because they were not tied, and conceived him disadvantaged be-

cause he was tied to the articles, but left him to his own apprehensions; for, when they observed Myantonymo to withdraw himself and Indians,⁵ they wished Mr. Stoughton to press him with his agreement, he [they?] told Mr. Stoughton expressly.

These passages being rightly considered, a ready answer may be applied to all your inquiries.

“If there was no article there that could be prejudicial, no present occasion of performance, why should they disclaim? Why was not this signified when the copy came to hand? Nay, did it not imply a full consent when our magistrates objected to the Naraganset his former breach of agreement;” and therefore our now denial must be to advance our own reputation, and weaken yours.

The answer will be in so many sentences; we could not at present signify our denial, because safe and certain conveyance was stopped, but did it with the first opportunity; we did then, and do now, conceive it prejudicial to be tied to them all; we had present occasion to express the reason of our non-performance of them at this time, to clear our proceeding with them according to our former expressions; and therefore it was not to advance our reputation and weaken yours, but to give a right apprehension of both; and did, by our magistrates, acquaint Mr. Stoughton with our purpose, and give reasons of our proceeding, before we gave a denial. The objecting of the breach of covenant to the Naraganset was not in respect of themselves, but that he kept not touch with you.

In the second thing, you propound in your letter there be several things, the compass whereof I do not so readily conceive, and shall therefore take leave to set them down, and express my present thoughts, because I would not mistake. Your words are—

A 2d is, that having agreed to articles of confederacy with you, the main end whereof was, that a certain way might be established for the ending of all differences by a “peace-

able means. Now, because there was some small pre-eminence conferred upon the Massachusetts, these articles were thrown aside, a new frame sent us, wherein the said main end was utterly neglected." The sum of all which amounts to thus much :—

"1. Articles of confederacy were agreed upon.

"2. A certain way propounded, to end differences peaceably.

"3. These articles were thrown aside, and a new frame sent.

"4. And that, because a small pre-eminence was given to Massachusetts.

"5. The main end wholly neglected.

A free explication will give a right construction of all these according to the naked truth.

1. When then you say the articles were agreed upon, you cannot mean that they were concluded and established, for that was beyond the place and power of any that were at that consultation ; but, being by yourself propounded, heard and attended by us, it was agreed, by consent on all hands, that they should be tendered to the consideration of the State with you, and of the magistrates and people with us, and a return should again be made for a final conclusion in that behalf, according to the old rule, *quod ad omnes spectat, ab omnibus debet approbari*: it being left to each party's liberty to explain or except.

Answerable to this determination, the people here, according to their meanness, were studious to take them unto serious consideration, and returned a comely account unto you, by their commissioners.

In which account, all the explications they gave of the five first articles, for the clearing of each other's apprehension, found easy approbation, being no more but the meaning of the articles cleared.

The sixth article, wherein all the difficulty lay, upon debate, in the issue appeared, by the joint judgment of

your Court and our commissioners, to exceed much the limits of that equity which is to be looked at in all combinations of free states. And were it not but that I do suppose the reasons there propounded gave in undeniable evidence that way, in my poor thoughts I have imagined that it would not be difficult to demonstrate, that the means therein propounded to end differences, and to make and maintain peace, would marvelously miss the end, in both.⁵ But it being, by the joint judgment of all, concluded that it answered not a rule of equity, another way that was subject to less exception, and so in likelihood to breed or occasion less heart-burning, was attended and mutually assented to on all sides.

This being the naked carriage of the cause, how a serious consideration of articles propounded in a way of love, and a rational account given of their conceivings, and that such wherein nothing was faulted, can be judged a throwing away of articles, and sending a new form, I confess I see not.

How those means, which, by the joint approbation of all, exceeds the bounds of equity and answers not the end of union and treaty of combinations, should be an easy and peaceable means to end differences, I must confess, in the dimness of mine own apprehensions, I am yet to seek. How, in rational charity, I should conclude that the small pre-eminence of the Massachusetts should occasion men to alter their apprehensions of any articles propounded, when the plainness and evidence of argument appears to alter the cause, even to the conceivings of such who have most interest in it; is yet beyond the reach of my reason, if I attend any rule I know.

From this seeming miscarriage in these particulars, you lead us to look unto the fountain from whence these and many other inconveniences will easily follow: namely, "to refer the decision of a civil question or controversy to whole churches, cannot be safe, nor warranted by any rule, as you

conceive.⁷ I confess, you are now launched into a depth, and I have little to draw withal; and, as far as I can either see or observe, there be few disputes, that ever came to my view, that find any bottom here. An answer, I suppose, must issue from the right judgment of the principles of state and church, as they are combined one with another. Something I have sometimes thought of the point, but the full debate of it would be too large for an ordinary letter. I shall attend only those things which you seasonably and pregnantly express in the cause. And here, I fully assent to those staple principles which you set down; to wit, that the people should choose some from amongst them—that they should refer matter of counsel to their counsellors, matter of judicature to their judges: only, the question here grows—what rule the judge must have to judge by; secondly, who those counsellors must be. *S. J. W.*

That in the matter which is referred to the judge, the sentence should lie in his breast, or be left to his discretion, according to which he should go, I am afraid it is a course which wants both safety and warrant. I must confess, I ever looked at it as a way which leads directly to tyranny, and so to confusion, and must plainly profess, if it was in my liberty, I should choose neither to live nor leave my posterity under such a government.⁸ Sit liber judex, as the lawyers speak. 17 Deut., 10, 11—Thou shalt observe to do according to all that they inform, according to the *sentence of the Law*. Thou shalt seek the Law at his mouth: not ask what his discretion allows, but what the Law requires. And therefore the Apostles, when the rulers and high priest passed sentence against their preaching, as prejudicial to the State, the Apostle Peter made it not dainty to profess and practice contrary to their charge, because their sentence was contrary to law, though they might have pretended discretion and depth of wisdom and policy in their charge.

And we know in other countries, had not the law over-

ruled the lusts of men and the crooked ends of judges, many times, both places and people had been, in reason, past all relief, in many cases of difficulty. You will know what the Heathen man said, by the candle-light of common sense: The law is not subject to passion, nor to be taken aside with self-seeking ends, and therefore ought to have chief rule over rulers themselves.

It's also a truth, that counsel should be sought from counsellors; but the question yet is, who those should be.⁹ Reserving smaller matters, which fall in occasionally in common course, to a lower counsel, in matters of greater consequence, which concern the common good, a general counsel, chosen by all, to transact businesses which concern all, I conceive, under favour, most suitable to rule and most safe for relief of the whole. This was the practice of the Jewish church, directed by God, Deut. 17: 10, 11; 2 Chron., 19; and the approved experience of the best ordered States give in evidence this way. Salomon's one wise man, and the one wise woman in Abel that delivered the city, shows the excellency of wisdom and of counsel where it is, but doth not conclude that one or few should be counsellors, since "in the multitude of counsellors there is safety."

The third thing, touching the business of Agaam, comes last into consideration, in which I shall crave leave to open myself freely and fully, that the rule of righteous proceeding may appear, in undeniable plainness, where it is. The sum of that cause is to be attended in two things: partly in the jurisdiction we have exercised, partly in the jurisdiction which, at this time, you so suddenly, so unexpectedly, take to yourselves.

The grievance in the former is expressed by you in these words:—

"That notwithstanding your desire to our magistrates to forbear until the matter was tried, and the consent of our commissioners to the contrary, yet they go on with more

earnestness, which seems to carry an appearance of some violence of affection, and settled purpose of opposition."

For a fair and a full answer, you may be pleased to understand: 1. That I have advised with the commissioners, and their expressions to me were these; that they were so far from consenting that you should take away the jurisdiction in Agaam, from them to yourselves, that, to their best remembrance, there was no such thing mentioned, nor were there one syllable sounding that way in all the agitation of the business. When the commissioners of other towns, and amongst them one from Agaam, came to establish the jurisdiction which they now exercised, in reason it could not be their commission, nor the intention of the towns, to destroy their own jurisdiction, for that was to cross the scope of the treaty, and overthrow the combination for the establishment whereof they were now sent.

Whatever limits should by mutual allowance be agreed upon, it was ever taken for granted, and the nature of the treaty doth of necessity presuppose it, that the combination of the towns should be established, not disannulled, thereby. And, therefore, upon what ground you should conceive their consent in that behalf, I cannot yet find out; for that speech of our brother Steele,¹⁰ in private, to Mr. Hawthorne, affords no foothold at all to infer such a conclusion, *ne quid gravius dicere*.

The act of jurisdiction which hath been exercised since your letter, it was this: there was an inhabitant in Agaam apprehended in some misdemeanor; the town sent the delinquent to the Court, to desire justice, which they answerably did; and why they might not do it, nay, how they could avoid it, according to rule, it is beyond all my skill to conceive. For, at the time of our election,¹¹ the committees from the town of Agaam came in with other towns, and chose their magistrates, installed them into their government, took oath of them for the execution of justice ac-

cording to God, and engaged themselves to submit to their government, and the execution of justice by their means, and dispensed by the authority which they put upon them, by choice. Now, when these men shall demand justice from magistrates so chosen and engaged, how, in faithfulness and according to their oath, they could deny it without sin, the covenant continuing firm on both parts, and renounced at this time by neither, it is beyond my compass to comprehend, and, under favor, I do think beyond the skill of any man by sound reason to evince. The magistrates who are lawfully called, and stand bound by oath to execute justice unto a people, to deny the execution of justice when it is demanded by such, is a grievous sin. But the magistrates were thus called, thus by oath bound, and justice was in this manner demanded. Therefore, had they then refused it, they had grievously sinned. Yea, taking it for granted that it is in each inhabitant's liberty in Agaam to choose his jurisdiction (which is to me beyond question,) if I was there an inhabitant, I should judge myself bound in conscience to submit to the jurisdiction of the river, and do believe I should make a breach upon the eighth command if I should do otherwise; because, in so doing, I should steal from mine estate, in that I should rush myself into needless and endless inconveniences: namely, to cast myself into that condition, that, for a matter of five shillings (as the case may fall out,) I should put myself to unreasonable charges and trouble to seek for justice a hundred miles off in the wilderness. If Mr. Pynchon can devise ways to make his oath bind him when he will, and loosen him when he list; if he can tell how, in faithfulness, to engage himself in a civil covenant and combination (for that he did, by his committees, in their act,) and yet can cast it away at his pleasure, before he give in sufficient warrant, more than his own word and will, he must find a law in Agaam for it; for it is written in no law nor gospel, that ever I read. The want of his help troubles not me, nor

any man else I can hear of, I do assure you : we know him, from the bottom to the brim, and follow him in all his proceedings, and trace him in his privy footsteps ; only, we would have him and all the world to understand, he doth not walk in the dark to us. By this it is evident what the jurisdiction was, which was exercised since your letter.

* * * * *

NOTES.

1. "Mr. Eaton and some others of Mr. Davenport's company went to view Quinepiack, with intent to begin a plantation there," in the summer of 1637. Governor Winthrop and the magistrates foresaw, in the removal of so considerable a company, "a great weakening to those parts," and the founders of New Haven colony were not suffered to depart until "all possible means had been used to accommodate them" in Massachusetts. "They had many offers," there and at Plymouth. "Charlestown offered them largely ; Newbury, their whole town ; the Court, any place which was free." One "place for an inland plantation was propounded to [them] and *pressed with much importunity by some* whose words," wrote Eaton and Davenport, "have the power of a law with us, in any way of God ;" and they were persuaded to postpone their final decision to remove, until March, 1638. Winth. Jour., I. 237, 259 ; App. G.

2. "Many ships arrived this year [1638,] with people of good quality and estate." "There came over, this summer, twenty ships, and at least three thousand persons." Id., I. 266, 268.

3. "*Voyder* : a basket or tray for carrying out the relics of a dinner or other meal, or for putting bones in." Halliwell.

4. In September, 1636, Governor Winthrop received intelligence that the Pequots were at truce with their ancient enemies the Narragansetts, and were endeavoring to excite them to hostility against the English. He, thereupon, sent for Miantonomo to come to Boston. On the 22d of October, the Narragansett sachem, with some twenty of his captains, was induced to subscribe a treaty with Massachusetts, (the articles of which may be seen in Winthrop, I. 199.) The Narragansetts were to be recognized as the allies of Massachusetts and their "friends of other plantations (if they consent)," and engaged not to harbor or make peace with the Pequots, without the consent of the English. This agreement, concluded without the concurrence of, or consultation with, the other colonies, was not approved by Plymouth or Connecticut. The objections to its recog-

nition by Connecticut were, first, because, from the manner in which it was entered into, and the position subsequently assumed by Massachusetts in dealing with the Narragansett sachems, the receipt of tribute, division of captives, &c., the interests of Connecticut were apparently subordinated, and her influence with the Indian tribes proportionably impaired; and, secondly, because it seriously interfered with the prosecution of the war with the Pequots, who contrived to "use the Narragansetts as their covering," and, "under the vizard of a Narragansett, [to] come amongst the English and do us mischiefs." That Captain Stoughton, who commanded the Massachusetts forces in the war, had as little confidence in the honesty of the Narragansett allies, and saw as clearly the disadvantages of being "tied to that agreement," as did the magistrates of Connecticut, is evident from his letter to the governor and council, in August, 1637. (Winth. Jour., I. App. D.) Connecticut, by refusing to ratify the treaty, was freed from these disadvantages, and placed in a position to hold the Narragansetts to a more strict account—and, after the termination of the war, to conclude, on more advantageous terms, a treaty with the Narragansetts, Niantics, and Mohegans. In November, 1637, Miantonomo was again at Boston, to ratify the special treaty with Massachusetts—acknowledging "that all the Pequot country and Block Island" were theirs, and receiving permission to prosecute a war against his former tributaries, Ninigret and Wequash, whose territory bordered on the Pequot country, and one of whom had been the faithful ally and guide of the English in the late war. This *renewal* of the treaty was not more likely to meet the approval of Connecticut, than its original ratification.

5. "We hear not of Miantonino, nor any of the Narragansetts nor Nianticks that were with you, concerning the Pequids they have, or any thing else, albeit we have sent for Miantonino to come to us. * * If they will not deliver all to us, according to their covenant, we cannot think their intentions to be good toward us," &c. Stoughton's letter, *ut supra*.

6. This article, as originally propounded by Governor Winthrop, gave to a majority of the commissioners "absolute power" to determine all differences between the colonies. The history of the confederacy demonstrates the correctness of Mr. Hooker's conclusion, that such a mode of ending controversy or preserving peace, would "marvellously miss the end." The union of the colonies was twice threatened,—by the controversy respecting the impost for maintaining the fort at Saybrook, 1647–9, and by the declaration of war against the Dutch, in 1653,—and, in each instance, it was Massachusetts that refused to be bound by the unanimous vote of the commissioners of the other colonies.

7. Mr. Hooker, it will be observed, quietly evades a discussion of

his views of civil government, which differed too widely from those of his friend, to leave room for hope of agreement. How radical was this difference, may be seen in the passage quoted from Governor Winthrop's letter, and from the complaint in his journal, that those of Connecticut proposed to refer the decision of a civil question to *whole churches*. This was the most severe construction that he could permit himself to give to his correspondent's indorsement of the maxim "*quod ad omnes spectat, ab omnibus debet approbari.*" Had Mr. Hooker avowed the whole extent of his democratic heresies, Governor Winthrop would have been shocked by a more serious "error in government" than had yet been imputed to Connecticut. The one recognized the right of the people not only to *elect* their rulers, but to "set the bounds and limitations of their power and place;" the other was firmly persuaded of "the unwarrantableness and unsafeness of referring matter of counsel or judicature to the body of the people, quia, the best part is always the least, and of that best part the wiser part is always the lesser;" and declared that "the people, having deputed others, have no power to make or alter laws, but are to be subject." (Jour., I. 301.)

8. "The people [of Massachusetts] had long desired a body of laws, and thought their condition very unsafe, while so much power rested in the *discretion of magistrates*," wrote Winthrop, in 1639; but "two great reasons there were, which caused *most of the magistrates*, and some of the elders, *not to be very forward* in this matter." Winth. Jour., I. 322.

The position which Governor Winthrop had assumed in defence of the alien law of May, 1637, gave peculiar significance and force to this declaration of Hooker. Vane, in his "Brief Answer" to Winthrop's "Declaration of the Intent and Equity of that order," denounced the law as "most wicked and shamefull," because it left "these weighty matters of the commonwealth, of receiving or rejecting such as come over, to the *approbation of magistrates*, and suspends these things upon the judgment of men, whereas the judgment is God's." Winthrop, in his Reply, denied that the reference of the admission or rejection of inhabitants to the discretions of the magistrates was "an unlimited and unsafe rule," because "magistrates are members of the churches here, and by their covenant are regulated to direct all their ways by the rule of the gospel;" and declared that, "whatsoever sentence the magistrate gives, according to these limitations [their church covenant and oath of office,] the judgment is the Lord's, though he do it *not by any rule particularly prescribed by civil authority.*" Hutch. Coll., 82, 87, 98. Mr. Hooker's opinion of this arbitrary enactment doubtless coincided with that of his friend, Mr. Cotton, who was so dissatisfied with it, that he had nearly determined on removal to New Haven, "but finding the law was not improved to

exclude such persons as he feared it would be, he altered his mind." Cotton's Answer to Bayley; *Hutch. Hist.*, I. 63, note.

9. Mr. Cotton had answered this question, in a sermon, preached (while Mr. Hooker was in Massachusetts,) shortly before the meeting of the synod in 1637, by proving "that the rulers of the people should consult with the ministers of the churches, upon occasion of any war to be undertaken, and any other weighty business, though the case should seem never so clear;" and Governor Winthrop had declared that, "for himself, he did nothing in the cases of the brethren, but by the advice and direction of our teacher, and other of the elders." (*Winth. Jour.*, I. 237, 250.)

10. John Steele, of Hartford, sent, with Mr. Haynes and Mr. Pyncheon, to confer with the Massachusetts court, on the amended articles of confederation, in June, 1638. "One of their three commissioners, falling in debate with some of our deputies," wrote Governor Winthrop, "said that they would not meddle with any thing that was within our limits; which being reported to the court, they thought it reasonable we should stand upon our right, so as, though we were formerly willing that Agawam (now Springfield,) should have fallen into their government, yet, seeing they would not be beholden to us for any thing, we intended to keep it;" &c. (*Journal*, I. 285.)

11. In this sentence, Mr. Hooker has supplied an important omission in the colony records. Nothing has been known, hitherto, of the constitution of government in Connecticut, between the expiration of the Massachusetts commission, in March, 1637, and the adoption of the Fundamental Laws, in January, 1639. The records show the proceedings of a General Court, constituted of magistrates and committees from the several towns, but nothing is said of their election, or of any delegation of authority by the freemen. At the General Court at Hartford, April 5th, 1638, the names of Mr. [George] Moxam and Mr. Jehu Burr, both of Agawam, appear in the list of committees, and those of Mr. Pyncheon and Mr. Smith, among the magistrates. *Col. Rec. of Conn.*, I. 17.

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